

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.254 of 2019

1. Lal Mohan Kamti Son of Jugeshwar Kamti resident of Mohalla Shanti Niketan Tatma Toli, P.S. K.Hat, District- Purnea.
- 2.1. Nirmala Devi Wife of Late Kalanand Mandal resident of Mohalla Shanti Niketan Tatma Toli, P.S. K.Hat, District- Purnea.
- 2.2. Ravi Kumar Son of Late Kalanand Mandal resident of Mohalla Shanti Niketan Tatma Toli, P.S. K.Hat, District- Purnea.
- 2.3. Amit Kumar Son of Late Kalanand Mandal resident of Mohalla Shanti Niketan Tatma Toli, P.S. K.Hat, District- Purnea.
- 2.4. Kabita Devi Wife of Shankar Modi, Daughter of Late Kalanand Mandal Resident of Village- Jhanda Chawk, Pani Tanki Kasba, P.S.- Kasba, District- Purnea.
- 2.5. Sabita Devi Wife of Manoj Kumar Gupta, Daughter of Late Kalanand Mandal Resident of Village- Line Basti, Tatma Toli, P.S.- Maranga, District- Purnea.
3. Ramanand Singh Son of Late Sahdeo Singh, resident of Mohalla Shanti Niketan Tatma Toli, P.S. K.Hat, District- Purnea.
4. Doulat Singh, Son of Late Bhuneshwar Parsad Singh, resident of Mohalla Shanti Niketan Tatma Toli, P.S. K.Hat, District- Purnea.
5. Arvind Kumar Singh @ Arbinda Singh Son of Bhagwat Singh, resident of Mohalla Shanti Niketan Tatma Toli, P.S. K.Hat, District- Purnea.
6. Lalita Devi, Wife of Late Janardan Das, all are resident of Mohalla Shanti Niketan Tatma Toli, P.S. K. Hat, District- Purnea.

... .. Petitioner/s

Versus

- 1.1. Kumar Arvindram @ Mukul Kumar S/o Late Sri Bachcha Singh resident of Mohalla Batta Durgabari, P.S. K. Hat, District- Purnea.
3. Shashi Shekharam, Son of Bachcha Singh. resident of Mohalla Batta Durgabari, P.S. K. Hat, District- Purnea.
4. Gopal Chandra Das, Son of Ram Gulam Das, resident of Mohalla- Bhatha, Tatma Toli, P.S. K. Hat, District- Purnea.
5. Hari Das, Son of Late Ram Gulam Das, resident of Mohalla Tatma Toli, P.S. K.Hat, District- Purnea.
6. Sanjay Das, Son of Late Ram Gulam Das, resident of Mohalla Tatma Toli, P.S. K.Hat, District- Purnea.
7. Shiva Das, son of Late Ram Gulam Das, resident of Mohalla Tatma Toli, P.S. K.Hat, District- Purnea.
8. Panchoo Das, son of Late Ram Gulam Das, resident of Mohalla Tatma Toli, P.S. K.Hat, District- Purnea.
9. Bangali Das, Son of Late Sone Lal Das, resident of Mohalla Bhatha Tatma Toli, P.S. K. Hat, District- Purnea.

... .. Respondent/s



with
CIVIL MISCELLANEOUS JURISDICTION No. 1430 of 2018

1. Gopal Chandra Das Son of Ram Gulam Das, resident of Mohalla Bhatha, Tatma Toli, P.S. K.Hat, District- Purnea.
2. Hari Das, Son of Late Ram Gulam Das Resident of Mohalla Tatma Toli, P.S. K.Hat, District- Purnea.
3. Sanjay Das @ Nawal Kishore Das, Son of Late Ram Gulam Das Resident of Mohalla Tatma Toli, P.S. K.Hat, District- Purnea.
4. Shiva Das, Son of Late Ram Gulam Das Resident of Mohalla Tatma Toli, P.S. K.Hat, District- Purnea.
5. Panchoo Das, Son of Late Ram Gulam Das, Resident of Mohalla Tatma Toli, P.S. K.Hat, District- Purnea.

... .. Petitioner/s

Versus

- 1.1. Kumar Arvindam @ Mukul Kumar S/o Late Sri Bachcha Singh Resident of Mohalla Batta Durgabari, P.S. K. Hat, District- Purnea.
3. Shashi Shekharam, Son of Bachcha Singh Resident of Mohalla Batta Durgabari, P.S. K. Hat, District- Purnea.
4. Bangali Das, Son of Late Sone Lal Das, Resident of Mohalla Bhatha, Tatma Toli, P.S. K.Hat, District- Purnea.

... .. Respondent/s

Appearance :

(In CIVIL MISCELLANEOUS JURISDICTION No. 254 of 2019)

For the Petitioner/s : Mr.Vijay Shankar Shrivastava

For the Respondent/s : Mr.Ravindra Kumar @ Ravindra Kr Rai

(In CIVIL MISCELLANEOUS JURISDICTION No. 1430 of 2018)

For the Petitioner/s : Mr.Vijay Shankar Shrivastava

For the Respondent/s : Mr.Ravindra Kumar @ Ravindra Kr Rai

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

7 11-09-2023

Re:-Civil Miscellaneous Jurisdiction No.1430 of 2018.

Heard the parties.

2. Learned counsel for the petitioner Shri Vijay Shankar Srivastava seeks permission to withdraw this application.

3. Learned senior counsel for the opposite parties Shri Dronacharya have no objection in withdrawal of the same.



4. Accordingly, this application is dismissed as withdrawn.

Re:-Civil Miscellaneous Jurisdiction No. 254 of 2019.

Heard the parties.

2. This application has been filed for quashing the order dated 13.12.2018 passed by learned Sub-Judge, II, Purnea in Misc. Case No. 13 of 2018.

3. The Suit was filed in the year 1991 and was decreed in the year 1997. The decree was challenged in Title Appeal No. 03 of 1998 by the Judgment debtor which was dismissed on 24.06.2010. The appellate order was challenged in Second Appeal No. 457 of 2010 which has been dismissed on 10.05.2012. The dismissal of Second Appeal was challenged in the Apex Court vide S.L.P. (Civil) No. 2805 of 2019 which has been dismissed on 11.02.2019 and thereafter the petitioners have filed application under Order 21 Rule 97.

4. It has been submitted by the learned counsel for the petitioners that they were not party in the Suit and therefore after having come to know about the judgment and decree, the appellate order, the order in second appeal and the order passed in S.L.P., they have filed the present application.

5. At no point of time, the petitioners have intervened in the proceedings of the Court below and till the Hon'ble



Supreme Court, though, the case has been contested from the year 1991.

6. Learned senior counsel appearing for the respondents submits that the present application under Order 21 Rule 97 has been filed by the petitioners at the instance of the Judgment debtors to delay the execution case.

7. Learned senior counsel for the respondents further submits that the cause of the petitioners is one and same and one of the petitioners namely Lal Mohan Kamti has appeared in the Suit as witness in support of the defendants and therefore, it shows that the petitioners are non-else but have been put up by the defendants to delay the execution of the decree.

8. In my opinion, the impugned order does not need interference as it does not suffer from any illegality.

9. Accordingly, this application is dismissed with a direction to the Executing Court to execute the decree within a month from the date of receipt/communication of a copy of this order and file a compliance report in this Court.

(Sandeep Kumar, J)

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